



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,981	10/18/2001	James C. Schroeder	1168PCT	2067

7590 06/02/2003

Douglas B Farrow  
Corporate Intellectual Property Counsel Graco Inc  
88 11th Avenue N E  
Minneapolis, MN 55413

EXAMINER

ADDIE, RAYMOND W

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/980,981

Applicant(s)

SCHROEDER, JAMES C

Examiner

Raymond W. Addie

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities:

Claim 1, line 3 recites "a frame member", lines 3, 4 recite "said frame"

The language identifying the feature being claimed should be consistent.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kieffer et al. #  
4,624,602

Kieffer et al. discloses a guidance system (64, 66, 72, 76) intended for use with a vehicle-mounted line striper (24, 26, 30). Said guidance system comprising:

A frame member (44) intended for mounting on said vehicle (10).

A 1<sup>st</sup> guide arm (66), pivotably attached to said frame member (44).

A 2<sup>nd</sup> guide arm (72) pivotably attached to said 1<sup>st</sup> guide arm.

A plurality of ground-contacting, guide wheels (12, 14) rotatably mounted to said 1<sup>st</sup>  
guide arm (66) via said frame member (44).

A of guide rod (76) extending vertically upwardly from said second guide arm (72).  
Wherein an operator of said vehicle (12) may maintain said guide rod on a line to be striped so as to maintain proper placement of said line through curves. See col. 2, ln. 47-col. 3, ln. 5; Col. 4, lns. 44-59.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollingshead #

2,076,370 in view of Shaffer # 2,975,979.

discloses a guidance system (70, 71, 72, 73, 74, 76) intended for use with a vehicle-mounted line striper (42). Said guidance system comprising:

A frame member (10) intended for mounting on said vehicle (2).

A 1<sup>st</sup> guide arm (71), pivotably attached to said frame member (10).

A 2<sup>nd</sup> guide arm (72) pivotably attached to said 1<sup>st</sup> guide arm.

A ground-contacting, guide wheel (73) rotatably mounted to said 2<sup>nd</sup> guide arm (72).

A guide rod (74) extending vertically downwardly from said 1<sup>st</sup> guide arm (71).

What Hollingshead does not disclose is a guide rod extending vertically upwardly from the guide arm. However, Shaffer teaches it is desirable to provide an elongated guide rod (unnumbered), that extends vertically above and below a guide rod, that is attached to a guide wheel and a 2<sup>nd</sup> guide arm. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the guidance system of Hollingshead, with an elongated guide arm, as taught by Shaffer, in order to assist an operator of the vehicle in maintaining the guide rod on a line to be striped, so as maintain proper placement of said line. See Hollingshead col. 5; Figs 1, 2; Shaffer Fig. 1.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Howell et al. # 2,660,791 discloses a pavement marker. Stewart # 4,267,973 discloses a line painting machine. Marty # 5,772,359 discloses a pavement marking tape applicator. Toews # 6,079,114 discloses a telescoping marking arm.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Addie whose telephone number is (703) 305-0135. The examiner can normally be reached on Monday-Friday from 8:00 am to 2:00 pm, 6-8 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703) 305-8623.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

**RWA**  
**5/28/2003**